



General Assembly

Substitute Bill No. 732

January Session, 2009

* SB00732JUD__040309__ *

AN ACT CONCERNING THE SENTENCING OF DRUNKEN DRIVERS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (g) of section 14-227a of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2009*):

4 (g) Any person who violates any provision of subsection (a) of this
5 section shall: (1) For conviction of a first violation, (A) be fined not less
6 than five hundred dollars or more than one thousand dollars, [and] (B)
7 be (i) imprisoned not more than six months, forty-eight consecutive
8 hours of which may not be suspended or reduced in any manner, or
9 (ii) imprisoned not more than six months, with the execution of such
10 sentence of imprisonment suspended entirely and a period of
11 probation imposed requiring as a condition of such probation that
12 such person perform one hundred hours of community service, as
13 defined in section 14-227e, and (C) (i) have such person's motor vehicle
14 operator's license or nonresident operating privilege suspended for
15 one year, or (ii) if such person has been convicted of a violation of
16 subdivision (1) of subsection (a) of this section on account of being
17 under the influence of intoxicating liquor or of subdivision (2) of
18 subsection (a) of this section, have such person's motor vehicle
19 operator's license or nonresident operating privilege suspended for
20 three months and be prohibited for the nine-month period following

21 completion of such period of suspension from operating a motor
22 vehicle unless such motor vehicle is equipped with a functioning,
23 approved ignition interlock device, as defined in section 14-227j; (2) for
24 conviction of a second violation within ten years after a prior
25 conviction for the same offense, (A) be fined not less than one
26 thousand dollars or more than four thousand dollars, (B) be (i)
27 imprisoned not more than two years, one hundred twenty consecutive
28 days of which may not be suspended or reduced in any manner, and
29 sentenced to a period of probation requiring as a condition of such
30 probation that such person perform one hundred hours of community
31 service, as defined in section 14-227e, or (ii) imprisoned not more than
32 two years, sixty consecutive days of which may not be suspended or
33 reduced in any manner, and sentenced to a period of probation
34 requiring as a condition of such probation that such person maintain at
35 least one hundred twenty days of continuous sobriety as demonstrated
36 through continuous alcohol monitoring and perform one hundred
37 hours of community service, as defined in section 14-227e, and (C) (i)
38 have such person's motor vehicle operator's license or nonresident
39 operating privilege suspended for three years or until the date of such
40 person's twenty-first birthday, whichever is longer, or (ii) if such
41 person has been convicted of a violation of subdivision (1) of
42 subsection (a) of this section on account of being under the influence of
43 intoxicating liquor or of subdivision (2) of subsection (a) of this section,
44 have such person's motor vehicle operator's license or nonresident
45 operating privilege suspended for one year and be prohibited for the
46 two-year period following completion of such period of suspension
47 from operating a motor vehicle unless such motor vehicle is equipped
48 with a functioning, approved ignition interlock device, as defined in
49 section 14-227j; and (3) for conviction of a third and subsequent
50 violation within ten years after a prior conviction for the same offense,
51 (A) be fined not less than two thousand dollars or more than eight
52 thousand dollars, (B) be (i) imprisoned not more than three years, one
53 year of which may not be suspended or reduced in any manner, and
54 sentenced to a period of probation requiring as a condition of such
55 probation that such person perform one hundred hours of community

56 service, as defined in section 14-227e, or (ii) imprisoned not more than
57 three years, ninety consecutive days of which may not be suspended or
58 reduced in any manner, and sentenced to a period of probation
59 requiring as a condition of such probation that such person maintain at
60 least one year of continuous sobriety as demonstrated through
61 continuous alcohol monitoring and perform one hundred hours of
62 community service, as defined in section 14-227e, and (C) have such
63 person's motor vehicle operator's license or nonresident operating
64 privilege permanently revoked upon such third offense. For purposes
65 of the imposition of penalties for a second or third and subsequent
66 offense pursuant to this subsection, a conviction under the provisions
67 of subsection (a) of this section in effect on October 1, 1981, or as
68 amended thereafter, a conviction under the provisions of either
69 subdivision (1) or (2) of subsection (a) of this section, a conviction
70 under the provisions of section 53a-56b or 53a-60d or a conviction in
71 any other state of any offense the essential elements of which are
72 determined by the court to be substantially the same as subdivision (1)
73 or (2) of subsection (a) of this section or section 53a-56b or 53a-60d,
74 shall constitute a prior conviction for the same offense.

75 Sec. 2. Subsection (i) of section 14-227a of the general statutes is
76 repealed and the following is substituted in lieu thereof (*Effective*
77 *October 1, 2009*):

78 (i) (1) The Commissioner of Motor Vehicles shall permit a person
79 whose license has been suspended in accordance with the provisions
80 of subparagraph (C)(ii) of subdivision (1) or (2) of subsection (g) of this
81 section to operate a motor vehicle if (A) such person has served not
82 less than one year of such suspension, (B) maintained ninety
83 consecutive days of sobriety as demonstrated through continuous
84 alcohol monitoring, and [(B)] (C) such person has installed an
85 approved ignition interlock device in each motor vehicle owned or to
86 be operated by such person. No person whose license is suspended by
87 the commissioner for any other reason shall be eligible to operate a
88 motor vehicle equipped with an approved ignition interlock device. (2)
89 All costs of continuous alcohol monitoring and installing and

90 maintaining an ignition interlock device shall be borne by the person
91 required to install such device. (3) The commissioner shall adopt
92 regulations, in accordance with the provisions of chapter 54, to
93 implement the provisions of this subsection. The regulations shall
94 establish procedures for the approval of ignition interlock devices, for
95 the proper calibration and maintenance of such devices and for the
96 installation of such devices by any firm approved and authorized by
97 the commissioner. (4) The provisions of this subsection shall not be
98 construed to authorize the continued operation of a motor vehicle
99 equipped with an ignition interlock device by any person whose
100 operator's license or nonresident operating privilege is withdrawn,
101 suspended or revoked for any other reason. (5) The provisions of this
102 subsection shall apply to any person whose license has been
103 suspended in accordance with the provisions of subparagraph (C)(ii)
104 of subdivision (2) of subsection (g) of this section on or after September
105 1, 2003, or subparagraph (C)(ii) of subdivision (1) of subsection (g) of
106 this section on or after July 1, 2009.

107 Sec. 3. Subsection (a) of section 14-227f of the general statutes is
108 repealed and the following is substituted in lieu thereof (*Effective*
109 *October 1, 2009*):

110 (a) Any person whose motor vehicle operator's license or
111 nonresident operating privilege is suspended under subsection (g) of
112 section 14-227a, as amended by this act, for a conviction of a violation
113 of subsection (a) of said section or under section 14-227b for a second
114 or subsequent time shall participate in a treatment program which
115 includes an assessment of the degree of alcohol abuse and treatment,
116 as appropriate, approved by the Commissioner of Motor Vehicles. The
117 commissioner shall not reinstate the operator's license or nonresident
118 operating privilege of any such person until such person submits
119 evidence to the commissioner that such person has satisfactorily
120 completed the treatment program and has not consumed alcohol for
121 ninety consecutive days as demonstrated by continuous alcohol
122 monitoring. Any person whose certificate is suspended or revoked
123 pursuant to section 15-133, 15-140l or 15-140n shall participate in such

124 treatment program.

125 Sec. 4. Subdivision (2) of subsection (k) of section 14-111 of the
126 general statutes is repealed and the following is substituted in lieu
127 thereof (*Effective October 1, 2009*):

128 (2) Any person whose license has been revoked in accordance with
129 subparagraph (C) of subdivision (3) of subsection (g) of section 14-
130 227a, as amended by this act, on or after October 1, 1999, may, at any
131 time after [six years] one year from the date of such revocation, request
132 a hearing before the commissioner, conducted in accordance with the
133 provisions of chapter 54, and the provisions of subdivision (1) of this
134 subsection for reversal or reduction of such revocation. The
135 commissioner shall require such person to provide evidence that any
136 reversal or reduction of such revocation shall not endanger the public
137 safety or welfare. Such evidence shall include, but not be limited to,
138 proof that such person has successfully completed an alcohol
139 education and treatment program, [and] proof that such person has
140 not been convicted of any offense related to alcohol, controlled
141 substances or drugs during the preceding [six years] year, and proof
142 that such person has not consumed any alcohol for six consecutive
143 months as demonstrated by continuous alcohol monitoring as defined
144 in section 14-212, as amended by this act. The commissioner shall
145 require any person, as a condition of granting such reversal or
146 reduction, to install and maintain an approved ignition interlock
147 device, in accordance with the provisions of subsection (i) of section
148 14-227a, as amended by this act. The approved ignition interlock
149 device shall be installed and maintained from the date such reversal or
150 reduction is granted until [ten] five years has passed since the date of
151 such [revocation] reversal or reduction. The commissioner may adopt
152 regulations, in accordance with the provisions of chapter 54, to
153 establish standards to implement the provisions of this section.

154 Sec. 5. Section 14-212 of the general statutes is repealed and the
155 following is substituted in lieu thereof (*Effective October 1, 2009*):

156 Terms used in this chapter shall be construed as follows, unless
157 another construction is clearly apparent from the language or context
158 in which the term is used or unless the construction is inconsistent
159 with the manifest intention of the General Assembly:

160 (1) The following terms shall be construed as they are defined in
161 section 14-1: "Authorized emergency vehicle", "commissioner",
162 "driver", "fuels", "gross weight", "head lamp", "high-mileage vehicle",
163 "highway", "light weight", "limited access highway", "maintenance
164 vehicle", "motor bus", "motorcycle", "motor vehicle registration",
165 "nonresident", "nonskid device", "number plate", "officer", "operator",
166 "owner", "passenger motor vehicle", "passenger and commercial motor
167 vehicle", "person", "pneumatic tires", "pole trailer", "registration",
168 "registration number", "second offense", "semitrailer", "shoulder",
169 "solid tires", "stop", "subsequent offense", "tail lamp", "tractor", "tractor-
170 trailer unit", "trailer", "truck" and "vanpool vehicle";

171 (2) "Carrier" means (A) any local or regional school district, any
172 educational institution providing elementary or secondary education
173 or any person, firm or corporation under contract to such district or
174 institution engaged in the business of transporting school children; (B)
175 any person, firm or corporation providing transportation for
176 compensation exclusively to persons under the age of twenty-one
177 years; or (C) any corporation, institution or nonprofit organization
178 providing transportation as an ancillary service primarily to persons
179 under the age of eighteen years;

180 (3) "Continuous alcohol monitoring" means automatically testing
181 breath, blood or transdermal alcohol concentration levels and tamper
182 attempts at least once every hour, regardless of location of the person
183 who is being monitored, and regularly transmitting the data;

184 [(3)] (4) "Curb" includes the boundary of the traveled portion of any
185 highway, whether or not the boundary is marked by a curbstone;

186 [(4)] (5) "Intersection" means the area embraced within the
187 prolongation of the lateral curb lines of two or more highways which

188 join one another at an angle, whether or not one of the highways
189 crosses the other;

190 [(5)] (6) "Motor vehicle" includes all vehicles used on the public
191 highways;

192 [(6)] (7) "Parking area" means lots, areas or other accommodations
193 for the parking of motor vehicles off the street or highway and open to
194 public use with or without charge;

195 [(7)] (8) "Rotary" or "roundabout" means a physical barrier legally
196 placed or constructed at an intersection to cause traffic to move in a
197 circuitous course;

198 [(8)] (9) "Student" means any person under the age of twenty-one
199 years who is attending a preprimary, primary or secondary school
200 program of education;

201 [(9)] (10) "Student transportation vehicle" means any motor vehicle
202 other than a registered school bus used by a carrier for the
203 transportation of students, including children requiring special
204 education; and

205 [(10)] (11) "Vehicle" is synonymous with "motor vehicle".

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2009	14-227a(g)
Sec. 2	October 1, 2009	14-227a(i)
Sec. 3	October 1, 2009	14-227f(a)
Sec. 4	October 1, 2009	14-111(k)(2)
Sec. 5	October 1, 2009	14-212

JUD *Joint Favorable Subst.*